

**REGULAR**

**10**

NUMBER: **41.11**

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
MILPITAS AMENDING MILPITAS MUNICIPAL CODE  
SECTIONS I-500-1.01 AND 1.05 REGARDING  
APPOINTMENT OF PLANNING COMMISSIONERS

HISTORY: This Ordinance was introduced (first reading) by the City Council at its  
meeting of \_\_\_\_\_, upon motion by \_\_\_\_\_  
and was adopted (second reading) by the City Council at its meeting  
of \_\_\_\_\_, upon motion by Councilmember  
\_\_\_\_\_. Said Ordinance was duly passed and ordered published  
in accordance with law by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven T. Mattas, City Attorney

ORDAINING CLAUSE:

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

Section 1. Milpitas Municipal Code Sections I-500-1.01 and 1.05 shall be amended in their entirety as follows:

**I-500-1.01 Composition and Qualifications**

The Planning Commission shall consist of seven (7) members. The initial selection of the members shall be as set forth in a resolution approved by the City Council. Thereafter, the members shall be appointed by the Mayor, and approved by a majority of the City Council. At all times during the term of office, a Planning Commissioner shall be a registered voter of the City of Milpitas and a resident of the City of Milpitas. A Planning Commissioner shall not hold any other public office or employment in the government of the City of Milpitas. The registered voter requirement shall not apply to any Planning Commissioner in office prior to the effective date of the ordinance codified in this chapter.

There shall be one alternate member who shall be appointed by the Mayor and approved by the City Council. The alternate member shall have all of the powers and duties of a regular commissioner except his or her right to vote shall be allowed and have legal effect only when seated as an acting commissioner in the absence of one of the regular members or abstention of one of the regular members because he or she believes he or she has a conflict of interest. (Ord. 273 (part), 3/7/06; Ord. 41.8 (part), 1997)

**I-500-1.05 Vacancy**

Any vacancy on the Planning Commission occurring prior to the expiration of the term of office shall be filled by appointment by the Mayor and approved by a majority of the City Council within sixty (60) days of the date the vacancy is created. Any Commissioner appointed to fill a vacancy shall complete the unexpired portion of the term of the Commissioner whose office has become vacant. (Ord. 41.10, 10/17/00; Ord. 41.8 (part), 1997)

Section 2. Publication And Effective Date

This Ordinance shall take effect thirty (30) days after adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the Milpitas Post, a newspaper of general circulation, published and circulated in the City of Milpitas, County of Santa Clara, thenceforth and thereafter the same shall be in full force and effect.

Section 3. Severability

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.